

1
2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 Securities and Exchange Commission,

Case No. 2:23-cv-00288-APG-DJA

7 Plaintiff,

Order

8 v.

9 Markman Biologics Corp. and Alan
Shinderman,

10 Defendants,

11 and

12 Aspen Asset Management Services, LLC

13 Relief Defendant.
14

15 The Securities and Exchange Commission (“SEC”) brings this enforcement action against
16 Markman Biologics Corporation; Alan Shinderman; and relief defendant Aspen Asset
17 Management Services, LLC (“AAM”). Shinderman is the CEO of Markman Biologics and sole
18 owner and operator of AAM. AAM provided various business services to Markman Biologics.

19 This enforcement action arises from the Defendants’ various securities offerings to raise
20 money for Markman Biologics’ operations. The SEC brings claims against the Defendants for
21 fraud in the offer, purchase, or sale of securities and offering and selling unregistered securities
22 through interstate commerce. The SEC seeks disgorgement of AAM’s unjust enrichment.

23 AAM and Shinderman’s counsel—the law firms of Marquis Aurbach and Lucosky
24 Brookman LLP—move to withdraw their representation of both Defendants, explaining that
25 Defendants have not paid their legal fees and that the relationship between counsel and clients has
26 broken down. (ECF Nos. 61, 62). The SEC opposes the motions, asserting in part that
27 withdrawal will impede discovery. (ECF No. 63). Since opposing, the SEC has filed various
28 discovery motions. (ECF Nos. 65, 71, 72). Marquis Aurbach and Lucosky Brookman LLP move

1 to extend the time for Shinderman and AAM to respond to the SEC's various discovery motions
2 until fourteen days after the Court decides counsel's motion to withdraw. (ECF No. 73). Marquis
3 Aurbach and Lucosky Brookman LLP explain that they cannot provide substantive responses to
4 these motions on their clients' behalf given the breakdown in communication. (*Id.*). Marquis
5 Aurbach and Lucosky Brookman LLP also move the Court to decide the motion to extend time
6 on an expedited basis. (ECF No. 74).

7 **I. Motions to withdraw (ECF Nos. 61, 62).**

8 The Court grants Marquis Aurbach and Lucosky Brookman LLP's motions to withdraw.
9 (ECF Nos. 61, 62). Marquis Aurbach and Lucosky Brookman LLP have met the requirements of
10 Local Rule IA 11-6(b). And Defendants did not file a response to either motion, constituting their
11 consent to the Court granting it. *See* LR 7-2(d). Shinderman even filed his own, *pro se* motion to
12 stay the case despite being represented, indicating that he intends to retain new counsel. (ECF
13 No. 64). While the SEC opposes Marquis Aurbach and Lucosky Brookman's motions to
14 withdraw, it has not demonstrated that it would face prejudice other than a prolonging of this
15 case. And, as Marquis Aurbach and Lucosky Brookman LLP point out, they cannot continue to
16 represent AAM and Shinderman given the breakdown in communication. The Court thus grants
17 Marquis Aurbach and Lucosky Brookman's motions to withdraw. AAM shall have until October
18 14, 2024 to retain counsel in this action. *See Reading Intern., Inc. v. Malulani Group, Ltd.*, 814
19 F.3d 1046, 1053 (9th Cir. 2016) (explaining that corporations must be represented by counsel).

20 **II. Motion to extend response deadlines (ECF No. 73).**

21 The Court grants Marquis Aurbach and Lucosky Brookman's motion to extend the
22 deadline for Shinderman and AAM to respond to the SEC's motion to compel (ECF No. 65),
23 motion for leave to take a second deposition of Shinderman (ECF No. 71), and motion to extend
24 discovery (ECF No. 72). Because the Court grants the motions to withdraw, it will extend the
25 deadline for Shinderman and AAM to respond to all three motions to November 11, 2024.

26 **III. Motion to decide the motion to extend on an expedited basis (ECF No. 74).**

27 Because the Court has decided the motion to extend response deadlines on an expedited
28 basis, it grants Marquis Aurbach and Lucosky Brookman's motion to shorten time.

IT IS FURTHER ORDERED that Aspen Asset Management Services, LLC must retain counsel to proceed in this action and must file a status report regarding its retention of counsel on or before **October 14, 2024**.

Alan Shinderman
12 Cowboys Way
Apt. 1708
Frisco, TX 75034

IT IS FURTHER ORDERED that the Clerk of Court is kindly directed to send a copy of this order to Asset Management Services, LLC and Alan Shinderman at the addresses listed above.

DATED: September 13, 2024

Page 3 of 3